

CRM-M-14944-2016

Date of Decision : 13.07.2016

Baljit Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Tarunveer Vashist, Advocate
for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Abhinav Gupta, Advocate
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner Baljit Singh seeks concession of pre-arrest bail in a case registered at the instance of Kapil Kumar alleging that the petitioner along with his brothers Manjit Singh and Jagjeet Singh had approached the complainant who deal in the business of pesticides. A dealership agreement was executed between the parties. The complainant was persuaded to deliver the goods on credit and Manjit Singh, non-applicant, issued a cheque of Rs. 1 lac to the complainant.

The allegation as per the FIR is that the petitioner and his brothers did not give any money for the stocks handed over by the complainant and the cheque issued by Manjit Singh for a sum of Rs.31,33,992/- was dishonoured.

It has been urged by counsel for the petitioner that complainant has got transactions only with his brother Manjit Singh and there is no previty of contract between the petitioner and the

complainant.

Learned counsel for the complainant, Mr. Abhinav Gupta, Advocate has intervened to oppose the application for grant of bail contending that petitioner is running a joint business with his brothers Manjit Singh and Jagjeet Singh. Learned counsel for the complainant submits that all the three brothers run the business of sale of insecticides and pesticides and that the complainant has been duped by all the three brothers.

I have considered the contentions of counsel for the complainant, counsel for the petitioner and gone through the police file. A perusal of the record indicates that Manjit Singh and Jagjeet Singh are the brothers of the petitioner but there is nothing on the record indicating that Baljit Singh-petitioner has got proprietorship of M/s New Kargil Agro or M/s Kissan Agro Chemicals. The main attribution is against Manjit Singh, brother of the petitioner. Petitioner has joined investigation. Manjit Singh has not yet been arrested. The civil or criminal liability, if any, *qua* cheque is attributed to Manjit Singh.

In view of said circumstances, the liberty of the petitioner cannot be curtailed merely because his brother, Manjit Singh, has duped the complainant.

Without expression of any opinion regarding the culpability of the petitioner, at this stage, in view of petitioner having joined investigation, his application is allowed. It is ordered that in case of arrest of petitioner-Baljit Singh, he shall be released on bail to the

satisfaction of the arresting officer subject to the conditions that

- (i) he will join investigation
- (ii) he will hand over any document required during the course of investigation for arriving at the just conclusion regarding the culpability of the petitioner or his brother
- (iii) he will not tamper with the evidence or hamper the proceedings in any manner.

Nothing said in this order will effect the rights of the complainant in any civil litigation or his claim *qua* the co-accused of the petitioner.

(M.M.S. BEDI)
JUDGE

13.07.2016
Neha